

UNITED STATES PATENT & TRADEMARK OFFICE

Examiner: HOLLERAN, Anne L. Art Unit: 1643

Re: Application of: Harlan W. Waksal

Serial No.: 10/661,881

Filed: September 11, 2003

For: **TREATMENT OF HUMAN TUMORS WITH
RADIATION AND INHIBITORS OF GROWTH
FACTOR RECEPTOR TYROSINE KINASES**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 26, 2007

Sir:

Pursuant to M.P.E.P. §609 and 37 C.F.R. §§1.56, 1.97-1.99, Applicants herewith submit form PTO-1449, which lists two references which applicants have become aware of.

This submission does not represent that a search has been made or that no better art exists. While the term "references" is used in citing the documents called to the Examiner's attention herein, Applicants do not make any admission that each or all of them are "prior art" references within the meaning of the statutory and case law.

Applicants reserves the right to contend, where appropriate, that a patent asserted against any claim of the present application is not prior art under the facts and the law.

Applicants also reserve the right to present appropriate arguments and/or evidence to establish patentability over the references, should one or more of the references be applied against the claims of the present application.

Applicants request that the Examiner independently determine those items which the Examiner would consider the most pertinent of all the references cited herein.

This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits. Accordingly, this document complies with the requirements of 37 C.F.R. Section 1.97(b). If, on the other hand, it is determined that a fee is due or that any overpayment has been made, it is requested that such sum be charged or credited to Deposit Account No. 02-2275. A duplicate copy of this sheet is enclosed.

Additionally, pursuant to 37 C.F.R. 1.25(b), please treat this and any concurrent or future reply in this application that requires any fee due during the entire pendency of this application as incorporating authorization to charge such fees to Deposit Account No. 02-2275.

It is respectfully requested that the reference cited in the accompanying PTO-1449 Form be considered and made of record.

Respectfully submitted,


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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this document is being electronically transmitted to the Commissioner for Patents via EFS-Web on July 26, 2007.

LUCAS & MERCANTI, LLP

BY: 

Michael N. Mercanti

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (Optional) 1017.33492-US3		Application Number 10/661,881	
				Applicant(s) WAKSAL, et al.			
				Filing Date September 11, 2003		Group Art Unit 1643	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	A1	0 787 722	02/04/1997	EP				

OTHER DOCUMENTS			<i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>
	A2	M.P. Ezekiel, et al., Proceedings of ASCO Volume 1998	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.